

Stave Stasio  
State Bar No.19079950  
The Plaza Building  
303 Main Street Suite 302  
Ft Worth, Texas 76102-4069  
(817) 332-5113/870-0335 FAX  
steve.stasio@stasiolawfirm.com

Attorney for Jeffery Harold Crites

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

IN RE	§	
	§	CASE NO. 10-47693-RFN
DIANNA DOROTHY CRITES	§	
	§	CHAPTER 7
DEBTOR	§	
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JEFFERY HAROLD CRITES	§	Hearing Date: January 5, 2011
	§	Hearing Time: 9:30 a.m.
MOVANT	§	
	§	
v.	§	
	§	
DIANNA DOROTHY CRITES	§	
	§	
RESPONDENT	§	

**MOTION FOR RELIEF  
FROM AUTOMATIC STAY TO ALLOW POST DIVORCE PROCEEDINGS**

TO THE HONORABLE RUSSELL F. NELMS UNITED STATES BANKRUPTCY JUDGE:

COMES NOW JEFFERY HAROLD CRITES, Movant herein, and files this Motion for Relief from Automatic Stay to Allow Post Divorce Proceedings, and in support thereof would respectfully show the Court as follows:

I.

On or about December 1, 2010, DIANNA DOROTHY CRITES, Debtor herein filed a Voluntary Petition for Relief under Chapter 7 of the United States Bankruptcy Code pursuant to

the provisions of 11 U.S.C. Section 362.

II.

Prior to the filing of the bankruptcy, Debtor and Movant were involved in some post divorce modification proceedings in the 360<sup>th</sup> Judicial District Court, Tarrant County, Texas under cause number 360-448863-08. In order to continue with these proceedings, Movant is seeking permission from the Court to lift the stay to allow. Continuation of the Automatic Stay of 11 U.S.C. Section 362 will work a real irreparable and material harm to Movant and will deprive him of the adequate protection to which he is entitled under 11 U.S.C. Sections 362 and 363. Good cause exists to lift the stay.

NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT THE U.S. COURTHOUSE, 10TH AND LAMAR, FORT WORTH, TEXAS, WITHIN TWELVE (12) DAYS OF THE DATE OF SERVICE OF THE MOTION FOR RELIEF FROM AUTOMATIC STAY. ANY RESPONSE MUST BE IN WRITING AND FILED WITH THE CLERK, AND A COPY MUST BE SERVED UPON COUNSEL FOR THE DEBTOR PRIOR TO DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED, A HEARING WILL BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.

IF NO HEARING ON THE MOTION FOR RELIEF FROM AUTOMATIC STAY IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT.

WHEREFORE, PREMISES CONSIDERED, Movant requests the Court enter an Order Modifying the Automatic Stay to allow Movant to continue with his post divorce proceedings in the 360<sup>th</sup> Judicial District Court, Tarrant County, Texas.

Respectfully submitted,

/s/ Steve Stasio  
STEVE STASIO  
State Bar No. 19079950  
The Plaza Building  
303 Main Street Suite 302  
Ft Worth, Texas 76102-4069  
(817) 332-5113/870-0335 fax  
steve.stasio@stasiolawfirm.com

Attorney for Jeffery Harold Crites

**CERTIFICATE OF CONFERENCE**

The undersigned attorney's office spoke with the Debtor on December 8, 2010 to determine whether or not she would oppose the Motion for Relief from Stay to Allow Post Divorce Proceedings and was notified she would be opposed.

/s/ Steve Stasio  
STEVE STASIO

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that a true and correct copy of the above *Motion for Relief to Allow Post Divorce Proceedings* has been served on the Debtor at the address below on December 8, 2010.

/s/ Steve Stasio  
STEVE STASIO

Dianna Dorothy Crites  
1623 Merritt Drive  
Mansfield, TX 76063

via first class mail